

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

STACY BUTLER,)
)
 Plaintiff,)
v.) 1:09-mc-053-DFH-TAB
)
FEDERAL BOP,)
)
 Defendant.)

E N T R Y

I.

The motion for temporary restraining order/injunction of Stacy Butler has been considered. Butler seeks relief relating to the conditions of his confinement by the Federal Bureau of Prisons. Such a request may be made only in conjunction with a lawsuit, which is commenced in federal court upon the filing of a complaint, *In re Allied Signal Corp.*, 915 F.2d 190, 192 (6th Cir. 1990) ("an action is commenced with the filing of a complaint rather than a motion"). Because a civil action has not been commenced here--"an action is not commenced by . . . filing a motion with the court . . ." 1 James Wm. Moore et al., **MOORE'S FEDERAL PRACTICE** § 3.02[1] (3d ed. 2000)--Butler's motion for temporary restraining order/injunction is **denied**.

II.

If Mr. Butler wishes to file a civil action, he is advised of the following:

1. According to Rule 3 of the *Federal Rules of Civil Procedure*, a civil action is commenced upon the filing of a complaint with the court. If Mr. Butler wishes to file a lawsuit, he must file a complaint, and in doing so he shall be guided by the following: (a) the complaint shall comply with the requirement of Rule 8(a)(2) of the *Federal Rules of Civil Procedure* that pleadings contain "a short and plain statement of the claim showing that the pleader is entitled to relief. . . ."; (b) the complaint shall comply with the requirement of Rule 10(b) that the allegations in a complaint be made in numbered paragraphs, each of which should recite, as far as practicable, only a single set of circumstances; (c) the complaint must identify what legal injury he claims to have suffered and what persons are responsible for each such legal injury; and (d) the complaint shall contain a clear statement of the relief which is sought.

2. However, if he challenges either the fact or the duration of his confinement, he may do so in federal court only through an action seeking a writ of habeas corpus.

So ordered.



DAVID F. HAMILTON, Chief Judge
United States District Court

Date: 4/13/09

Distribution:

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